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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,151	09/29/2003	Clifford H. Kraft		1913

7590

08/19/2005

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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,151

Applicant(s)

KRAFT ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Miscellaneous

Prosecution on the merits of this application is reopened on claims 9 - 22 considered unpatentable for the reasons indicated below: newly found reference.

The indicated allowability of claims 9 - 22 is withdrawn in view of the newly discovered reference(s) to Nakashima et al. (US 6,904,362 B2). Rejections based on the newly cited reference(s) follow.

Claim Renumbering

Claims 20 (second occurrence), 21 and 22 are objected to because of the following informalities: claims 20 – 22 have been renumbered as claims 21 – 23 for examination and consistency purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakashima et al. (US 6,904,362 B2).

Regarding claims 9, 17, and 21 (renumbered claim 20), Nakashima et al. teaches providing road construction information and trip planning comprising at least one telemetric system (100; fig. 1) in a vehicle, the telemetric system displaying (via display 106) map information (col. 8, lines 42 – 61 at least); a central information gathering location (information center) for gathering road construction information partially supplied by a government agency (abstract; summary; col. 23, lines 53 – 67 and col. 31, lines 7 – 18); means providing the information, whereby the system displays the construction information along with the map information (summary; col. 17, line 52 – col. 18, line 5; and col. 31, lines 37 – 48) at least); the information is received and transmitted (using item 10 within item 1 in fig. 1); the system further comprising a computer (20 or 101), a storage device (22 or 102), and a communications subsystem (40) and providing/showing the information along major highways between cities (col. 12, line 61 – col. 13, line 19 at least).

Regarding claims 10 – 12, 19, and 23 (renumbered claim 22), Nakashima further teaches providing wireless communication means being a cellular telephone and a local area network (7, lines 12 – 20 at least).

Regarding claim 13, Nakashima further teaches the information containing lane information (col. 12, lines 40 – 50 and col. 39, lines 44 – 53).

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Regarding claims 14 and 18, Nakashima further teaches construction work times (fig. 2; col. 6, lines 21 – 23 and col. 8, lines 37 – 40 at least).

Regarding claims 15 and 16, Nakashima further teaches charging a periodic subscription fee for the information (col. 12, lines 17 – 33 at least).

Regarding claim 20 (regular), Nakashima further teaches presenting a map showing at least one construction area (summary; col. 8, lines 5 – 40).

Regarding claim 22 (renumbered claim 21), Nakashima's computer is mounted in a vehicle (note block 100 in fig. 1).

Conclusion

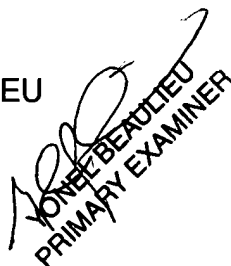
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 3661


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PRIMARY EXAMINER